

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

November 27, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff – Steve Petersen
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 4299 (Rep. Rob Bishop)**, To provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes.
November 29 & 30, 2017; 1324 Longworth House Office Building

Summary of the Bill

H.R.4299 (Rep. Rob Bishop), introduced November 8, 2017, would extend existing military land withdrawals of public land for an indefinite time period while putting in place a continuous environmental and resource review process, coordinated between the Department of Defense and the Department of Interior, and providing for public comment on individual resource management plans and continued military uses of such lands.

Cosponsors

Rep. Mac Thornberry (R-TX-13) and Rep. Joe Wilson (R-SC-02)

Background

The U.S. military maintains numerous installations and training areas on withdrawn public lands throughout the Western United States and Alaska. There are over 200 individual withdrawn parcels for military use for the Army, Navy and Air Force that range in size from 1 acre for such things as remote radar sites, to over a million acres at such large-scale facilities as the Joint Air Force- Navy Goldwater Training Range.

The majority of these lands are already permanent withdrawals under the full administrative control of the military, and were typically created through Department of the Interior Public Land Orders or by Presidential Executive Orders. However, following the passage of the Federal Lands Policy and Management Act (FLPMA¹), new military land

¹ (43 USC 35, Sec. 1701 et seq.)(1976)

withdrawals or expansions of previously existing withdrawals were statutory, and have been treated as temporary leases became subject to 25-year reviews by the Interior Department.

Administrative renewals of the military's leases have since required full environmental reviews, including Environmental Impact Statements, costing the affected military department millions of dollars from Operations and Maintenance accounts. There has never been an instance of the Interior Department not renewing the military's land withdrawal for existing uses and training, nor is such a denial of a lease renewal in the future likely given unique national security requirements. This formal environmental review requirement has come to be viewed as unnecessarily duplicative and costly, especially during a time of defense sequester cuts.

The U.S. military already maintains comprehensive environmental management programs for its installations. For example, under the Sikes Act², the Department of Defense is required to develop and implement Integrated Natural Resource Management Plans (INRMPS) for all installations across the United States. INRMPS for each installation are developed in cooperation with the Interior Department, the U.S. Fish and Wildlife Service, as well as impacted State wildlife management agencies, and specify how the military will manage the property within its control for the benefit of wildlife and habitat. INRMPS are required to be reviewed every five years.

Legislative History

The text of H.R. 4299 was included as section 2831 of the House-passed National Defense Authorization Act for Fiscal Year 2018 (H.R. 2810), which was approved on a 344 to 81 vote on July 14, 2017. There was no Senate counterpart and the section was not included in the final conference agreement.

Major Provisions of H.R. 4299

H.R. 4299 would largely follow the model established by the Sikes Act by:

- * Making all current statutory military withdrawals indefinite at the discretion of the affected military department, for those installations which have an INRMP.
- * Specifically removes lease renewal dates for El Centro Naval Air Facility Ranges, Juniper Butte Range, Barry M. Goldwater Range, and the National Training Center.
- * Requires the military, in cooperation with the Interior Department, to establish individual installation-specific committees comprised of federal, state and tribal representatives, to make periodic 5-year reviews of the specific installation's land management practices.

² (16 USC 670a-670o, 74 Stat. 1052 (1960)).

- * Provides for public notice, input and reports by the committee to be made public and to Congress.
- * Provides that this Act only applies to existing withdrawn lands. It would not apply to proposed expansion areas or new training areas in the future.

Cost

A CBO cost analysis has not yet been completed for this bill.

Administration Position

The Administration position is unknown at this time.

Anticipated Amendments

- Rep. Rob Bishop (R-UT-01) – Makes grammatical and technical corrections to the original bill text.

[Effect on Current Law \(Ramseyer\)](#)